

Message Text

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SUBJ: COUNCIL FOR NAMIBIA DECISION ON NATURAL RESOURCES

FOLLOWING IS TEXT OF UN COUNCIL FOR NAMIBIA DECREE ON
NATURAL RESOURCES OF NAMIBIA, ADOPTED SEPTEMBER 27 AND
DISTRIBUTED OCTOBER 7 AS GA DOCUMENT A/AC.131/33.

FYI: WE UNDERSTAND THAT TEST CASES OF OPERATIVE
PARAGRAPHS ARE ENVISIONED IN COMMONWEALTH COUNTRIES.
END FYI.

QUOTE NATURAL RESOURCES OF NAMIBIA

DECREE ON THE NATURAL RESOURCES OF NAMIBIA ADOPTED BY THE
UNITED NATIONS COUNCIL FOR NAMIBIA AT ITS 209TH MEETING ON
27 SEPTEMBER 1974

CONSCIOUS OF ITS RESPONSIBILITY TO PROTECT THE NATURAL
RESOURCES OF THE PEOPLE OF NAMIBIA AND OF ENSURING THAT
THESE NATURAL RESOURCES ARE NOT EXPLOITED TO THE DETRIMENT
OF NAMIBIA, ITS PEOPLE OR ENVIRONMENTAL ASSETS, THE UNITED
NATIONS COUNCIL FOR NAMIBIA ENACTS THE FOLLOWING DECREE:

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DECREE

THE UNITED NATIONS COUNCIL FOR NAMIBIA,

RECOGNIZING THAT, IN THE TERMS OF GENERAL ASSEMBLY RESOLUTION 2145 (XXI) OF 27 OCTOBER 1966 THE TERRITORY OF NAMIBIA (FORMERLY SOUTH WEST AFRICA) IS THE DIRECT RESPONSIBILITY OF THE UNITED NATIONS,

ACCEPTING THAT THIS RESPONSIBILITY INCLUDES THE OBLIGATION TO SUPPORT THE RIGHT OF THE PEOPLE OF NAMIBIA TO ACHIEVE SELF-GOVERNMENT AND INDEPENDENCE IN ACCORDANCE WITH GENERAL ASSEMBLY RESOLUTION 1514 (XV) OF 14 DECEMBER 1960,

REAFFIRMING THAT THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA IS IN ILLEGAL POSSESSION OF THE TERRITORY OF NAMIBIA,

FURTHERING THE DECISION OF THE GENERAL ASSEMBLY IN RESOLUTION 1803 (XVII) OF 14 DECEMBER 1962 WHICH DECLARED THE RIGHT OF PEOPLES AND NATIONS TO PERMANENT SOVEREIGNTY OVER THEIR NATURAL WEALTH AND RESOURCES,

NOTING THAT THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA HAS USURPED AND INTERFERED WITH THESE RIGHTS,

DESIROUS OF SECURING FOR THE PEOPLE OF NAMIBIA ADEQUATE PROTECTION OF THE NATURAL WEALTH AND RESOURCES OF THE TERRITORY WHICH IS RIGHTFULLY THEIRS,

RECALLING THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE OF 21 JUNE 1971,/1/

ACTING IN TERMS OF THE POWERS CONFERRED ON IT BY GENERAL ASSEMBLY RESOLUTION 2248 (S-V) OF 19 MAY 1967 AND ALL OTHER RELEVANT RESOLUTIONS AND DECISIONS REGARDING NAMIBIA,

DECREES THAT

1. NO PERSON OR ENTITY, WHETHER A BODY CORPORATE OR UNINCORPORATED, MAY SEARCH FOR, PROSPECT FOR, EXPLORE FOR, TAKE, EXTRACT, MINE, PROCESS, REFINES, USE, SELL, EXPORT, OR DIS-

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TRIBUTE ANY NATURAL RESOURCE, WHETHER ANIMAL OR MINERAL, SITUATED OR FOUND TO BE SITUATED WITHIN THE TERRITORIAL LIMITS OF NAMIBIA WITHOUT THE CONSENT AND PERMISSION OF THE UNITED NATIONS COUNCIL FOR NAMIBIA OR ANY PERSON AUTHORIZED TO ACT ON ITS BEHALF FOR THE PURPOSE OF GIVING SUCH PERMISSION OR SUCH CONSENT;

2. ANY PERMISSION, CONCESSION OR LICENCE FOR ALL OR ANY OF

THE PURPOSE SPECIFIED IN PARAGRAPH 1 ABOVE WHENSOEVER GRANTED BY ANY PERSON OR ENTITY, INCLUDING ANY BODY PURPORTING TO ACT UNDER THE AUTHORITY OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA OF THE "ADMINISTRATION OF SOUTH WEST AFRICA" OR THEIR PREDECESSORS, IS NULL, VOID AND OF NO FORCE OR EFFECT;

3. NO ANIMAL RESOURCE, MINERAL, OR OTHER NATURAL RESOURCE PRODUCED IN OR EMANATING FROM THE TERRITORY OF NAMIBIA MAY BE TAKEN FROM THE SAID TERRITORY BY ANY MEANS WHATSOEVER TO ANY PLACE WHATSOEVER OUTSIDE THE TERRITORIAL LIMITS OF NAMIBIA BY ANY PERSON OR BODY, WHETHER CORPORATE OR UNINCORPORATED, WITHOUT THE CONSENT AND PERMISSION OF THE UNITED NATIONS COUNCIL FOR NAMIBIA OR OF ANY PERSON AUTHORIZED TO ACT ON BEHALF OF THE SAID COUNCIL;

4. ANY ANIMAL, MINERAL OR OTHER NATURAL RESOURCE PRODUCED IN OR EMANATING FROM THE TERRITORY OF NAMIBIA WHICH SHALL BE TAKEN FROM THE SAID TERRITORY WITHOUT THE CONSENT AND WRITTEN AUTHORITY OF THE UNITED NATIONS COUNCIL FOR NAMIBIA OR OF ANY PERSON AUTHORIZED TO ACT ON BEHALF OF THE SAID COUNCIL MAY BE SEIZED AND SHALL BE FORFEITED TO THE BENEFIT OF THE SAID COUNCIL AND HELD IN TRUST BY THEM FOR THE BENEFIT OF THE PEOPLE OF NAMIBIA;

5. ANY VEHICLE, SHIP OR CONTAINER FOUND TO BE CARRYING ANIMAL, MINERAL OR OTHER NATURAL RESOURCES PRODUCED IN OR EMANATING FROM THE TERRITORY OF NAMIBIA SHALL ALSO BE SUBJECT TO SEIZURE AND FORFEITURE BY OR ON BEHALF OF THE UNITED NATIONS COUNCIL FOR NAMIBIA OR OF ANY PERSON AUTHORIZED TO ACT ON BEHALF OF THE SAID COUNCIL AND SHALL BE FORFEITED TO THE BENEFIT OF THE SAID COUNCIL AND HELD IN TRUST BY THEM FOR THE BENEFIT OF THE PEOPLE OF NAMIBIA;

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6. ANY PERSON, ENTITY OR CORPORATION WHICH CONTRAVENES THE PRESENT DECREE IN RESPECT OF NAMIBIA MAY BE HELD LIABLE IN DAMAGES BY THE FUTURE GOVERNMENT OF AN INDEPENDENT NAMIBIA;

7. FOR THE PURPOSE OF THE PRECEDING PARAGRAPHS 1, 2, 3, 4 AND 5 AND IN ORDER TO GIVE EFFECT TO THIS DECREE, THE UNITED NATIONS COUNCIL FOR NAMIBIA HEREBY AUTHORIZES THE UNITED NATIONS COMMISSIONER FOR NAMIBIA, IN ACCORDANCE WITH RESOLUTION 2248 (S-V), TO TAKE THE NECESSARY STEPS AFTER CONSULTATIONS WITH THE PRESIDENT.

/1/ LEGAL CONSEQUENCES FOR STATES OF THE CONTINUED PRESENCE OF SOUTH AFRICA IN NAMIBIA (SOUTH WEST AFRICA) NOTWITHSTANDING SECURITY COUNCIL RESOLUTION 276 (1970), ADVISORY OPINION, I.C.J. REPORTS 1971, P. 16. UNQUOTE

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